(16)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri Satish K. Agnihotri, J.

Misc. Appeal No. 799 OF 2005

APPELLANTS

1. Smt. Jalapa Bai, W/o Late Pusau, aged 36 years.
2. Kunwar Singh, S/o Gaindi, aged 60 years (since dead)
3. Ku. Jai Kumari D/o Late Pusau, aged 14 years, through her mother - Jalapa Bai

All R/o. Village - Uslapur, P.S. Chakarbhata, Distt. Bilaspur (C.G.)

Versus

RESPONDENTS

1. Manish Pandey, S/o Mathura Prasad Pandey, R/o Main Road, Torwa, Bilaspur, Near City Photo Studio, Bilaspur, Distt. Bilaspur (C.G.) (Truck owner C.G.10A-3433)
2. Abdul Rasid Khan, S/o Abdul Samad Khan, R/o Tilaknagar, Hirri Mines, Behind Dubey S.T.D. Tah. Belha, Distt. Bilaspur (C.G.), presently R/o Chatterjee Gali, Sarkanda, Bilaspur (C.G.) (Truck Driver C.G. 10A 3433)
3. Branch Manager, Oriental Insurance Company Ltd., Bilaspur, Distt. Bilaspur (C.G.)

Present:

Shri Indrasen Sahu, learned counsel for the appellants.

Shir Ali Asgar, learned counsel assisting Shri Prashant Jayaswal, learned Sr. Advocate for the Insurance Company/ respondent No.3.

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(17)

ORAL ORDER
(Passed on 7th of December 2005)

The following Order of the Court was passed by

S.R. Nayak, CJ:

This is an appeal by the claimants in a death case seeking more compensation. The only contention urged by the learned counsel for the appellants is that having regard to the age of the deceased on the date of accident, the Tribunal ought to have applied multiplier 16 instead of 15. It is pointed out that on the date of death, the deceased was aged 40 years and that is also the finding recorded by the Tribunal. Therefore, the Tribunal ought to have applied multiplier 16 for the purpose of assessing loss of dependency. If we apply multiplier 16, loss of dependency would be Rs. 2,57,400/-. In that view of the matter we award a sum of Rs. 2,57,400/- under the head of loss of dependency as against Rs. 2,40,120/- awarded by the MACT. The impugned award shall stand modified accordingly. In all other respects, the impugned award shall remain unaltered. There shall be no order as to costs.

The appeal is allowed to the extent indicated above.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Sybby